

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH P. SCHMITT,

Plaintiff,

Civil Action

v.

No. 04-10451-RWZ

JEFFREY SMITH, et al.,

Defendants.

ORDER ON SCREENING
PURSUANT TO SECTION 1915(e)(2)

Having completed the screening on the merits of plaintiff's complaint pursuant to Section 1915(e)(2), the Court makes the following findings:

FINDINGS

1. The complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted:

No ☒ Yes ☐ as to defendant(s)

2. The complaint seeks relief from a defendant or defendants who are immune from such relief:

No ☒ Yes ☐ as to defendant(s)

ORDERS

Based upon the foregoing:

1. The Clerk shall issue summonses and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendant(s) as directed by the plaintiff with all costs of service to be advanced by the United States.

No ☐ Yes ☒ ☒ as to all defendants
☐ only as to defendant(s)

2. The complaint shall be dismissed pursuant to 28 U.S.C. § 1915(e)(2) without further notice.

No ☒ Yes ☐ ☐ as to all defendants
☐ only as to defendant(s)

SO ORDERED.

10/1/04
DATE

s/ Rya W. Zobel
UNITED STATES DISTRICT JUDGE